



The Connecticut Occupational Therapy Association
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To: Education Committee, Connecticut General Assembly
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Written testimony RE:

H. B. No. 5425 (RAISED) An Act Concerning Special Education Section

Sen. Thomas P. Gaffey, Rep. Andrew M. Fleischmann, and Members of the Education Committee:

My name is Mary-Ellen Johnson and I am the president of the Connecticut Occupational Therapy Association. We welcome this opportunity to offer comments and share our serious concerns with the Education Committee of the State of Connecticut General Assembly regarding the language of H. B. No. 5425 (RAISED) An Act Concerning Special Education, Section 2 (a) and (b). We support the intent of this legislation, but respectfully request that the bill be amended to address the following concerns.

Occupational Therapy Practitioners Use Applied Behavioral Frames of Reference in Practice

Our first concern is that the appropriation of a common theoretical base of knowledge and techniques based on behavioral theory, and the exclusive application of such by a particular group of practitioners, behavior analysts, would effectively limit the legitimate application of evaluation and intervention techniques included in occupational therapy's education and permitted by our scope of practice.

Behavioral theory is the basis of evaluation and intervention methods used by practitioners certified by the Behavior Analyst Certification Board, but the analysis of behavior and the application of interventions to change behavior are not exclusive to those who consider themselves behavior analysts. Behaviorism is one of many theoretical frameworks taught in all

occupational therapy programs. Indeed, behaviorism is part of the knowledge base of many professions. Occupational therapy practitioners use applied behavioral frames of reference in practice, and have incorporated behavior modification in their interventions since the 1940's (Cole, & Tufano, 2008). Activity and environmental analysis has been at the heart of occupational therapy practice since its foundation. In addressing the needs of children and adults with special needs, occupational therapists evaluate what is interfering with successful performance, whether as it pertains to the person, the task itself, or to the environment. Providing interventions which include altering the environment or changing the kinds of motivations that elicit a person's engagement in the day to day things that he or she needs to do to be successful is well within the education and scope of practice of occupational therapy. This bill would limit the practice of occupational therapists licensed in Connecticut.

Limiting Use of These Techniques to Behavioral Analysts will Restrict Access

Our second concern is that the appropriation of a common theoretical base of knowledge and techniques based on behavioral theory, and the exclusive application of such by a particular group of practitioners, behavior analysts, would result in limitations in consumer access to behaviorally based services, provided by other disciplines. Sec 2 (b) indicates that there is concern for an anticipated shortage of practitioners certified by the Behavior Analyst Certification Board. This bill would limit consumer access to behaviorally based services provided by occupational therapists.

Consumers Should have Access to a Range of Services

It is important that consumers have available a range of services that can address behaviorally based problems that interfere with daily functioning, and that these services are provided by qualified professionals. We have no objection to legislative language that defines the qualifications of those who call themselves behavior analysts, but we oppose language, as in Sec 2 (a), that restricts the common methods of "design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between the environment and behavior, to produce socially significant improvement in human behavior" to the practice of those certified by the Behavior Analyst Certification Board. As recently as 2008 an editorial appeared in the journal *Behavior and Social Issues* that addressed the initiative taken towards licensure by the Association for Behavior Analysis: International. It pointed to the difficulty of taking the approach of attempting to carve out actions that only licensed behavior analysts can perform "because many other disciplines use and in some cases are licensed to use the interventions included in model scope of practice documents" (Mattaini, p. 116). Our final concern, then, is that this legislation benefits practitioners who are certified by the Behavior Analyst Certification Board, or supervised by someone who is certified, but limits the range of options available to consumers, including the legitimate services of occupational therapists.

Proposed Amendment Language to H. B. No. 5425 (RAISED)

We request the following changes in the legislative language:

~~Strikeout~~ = Proposed text to be deleted

Underline = Proposed text to be added

Sec. 2. (NEW) (*Effective July 1, 2010*) (a) On and after July 1, 2012, local and regional boards of education shall provide applied behavior analysis services to those students with autism spectrum disorder whose individualized education plan or plan pursuant to Section 504 of the Rehabilitation Act of 1973 requires such services.

Such services ~~shall~~ may be provided by a person who is (1) subject to the provisions of subsection (b) of this section, ~~licensed by the Department of Public Health or certified by the Department of Education and such services are within the scope of practice of such license or certificate,~~ or (2) certified by the Behavior Analyst Certification Board as a behavior analyst or assistant behavior analyst, provided such assistant behavior analyst is working under the supervision of a certified behavior analyst or (3) is a licensed or certified professional whose body of knowledge and scope of practice includes the analysis of tasks and environments and the application of interventions and environmental modifications which may be behaviorally based.

For purposes of this section, "applied behavior analysis" ~~means~~ includes the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between the environment and behavior, to produce socially significant improvement in human behavior.

(b) If the Commissioner of Education determines that there are insufficient licensed or certified personnel available to provide applied behavior analysis services in accordance with the provisions of subsection (a) of this section, the commissioner may authorize the provision of such services by persons who: (1) Hold a bachelor's degree in a related field; (2) have completed (A) a minimum of nine credit hours of coursework from a course sequence approved by the Behavior Analyst Certification Board, or (B) coursework that meets the eligibility requirement to sit for the board certified behavior analyst examination; and (3) are supervised by a board certified behavior analyst.

Thank you for your consideration of our concerns.

References

Cole, M. B., & Tufano, R. (2008). *Applied theories in occupational therapy: A practical approach*. Thorofare, NJ: Slack Incorporated

Mattaini, M. (2008). Editorial: Licensing behavior analysts. *Behavior and Social Issues*, 17(2), 115-118.